

**CITY OF WEST ALLIS  
RESOLUTION R-2022-0353**

**RESOLUTION RELATIVE TO THE DETERMINATION FOR A CONDITIONAL USE  
PERMIT FOR URBAN PIONEER, A PROPOSED MULTIFAMILY DWELLING, TO  
BE LOCATED AT 8001 W. GREENFIELD AVE AND 80\*\* W. GREENFIELD AVE.**

**WHEREAS**, Transit Orientated Development (TOD), LLC, duly filed with the City Clerk an application for a conditional use permit; pursuant to Sec. 12.16 and Sec. 12.42(2), and 19.14 and 19.32 of the Revised Municipal Code of the City of West Allis, for a residential living project called the Urban Pioneer, a multi-unit residential use; and,

**WHEREAS**, after due notice, a public hearing was held by the Common Council on June 7, 2022, at 7:00 p.m. in the Common Council Chambers to consider the application; and,

**WHEREAS**, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. Transit Orientated Development (TOD, LLC) has offices at 420 S. 1 St. Milwaukee, WI 53204, WI 53202. Transit Innovations, LLC is the business holding company for TOD, LLC.
2. The subject properties at 8001 W. National Ave. (452-0703-001) are currently owned by PyraMax Bank FSB and the property at 80\*\* W National Ave. (425-0603-000) is owned by Warren & Joyce Jones Revoc Liv Trust. TOD, LLC seeks site control and has an offer to purchase the properties.

The subject properties are more particularly described as follows, to-wit:

All that land of the owner being located in the Northeast ¼ of Section 4, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Parcel 1 of the Certified Survey Map No. 7956 and Lot 3 in the Block 5 of the Assessors Plat No. 259

Said land being located at 8001 W. National Ave. and 80\*\* W. National Ave. 452-0703-001 and 452-0603-000.

3. "Urban Pioneer Condos" project a 5-story multi-unit residential building that would include up to 43 dwelling units, underground parking, surface parking and landscaping improvements. The multi-unit project is proposed to be located upon a combined total of 0.84 acres of land. The two existing lots being considered would also be combined via Certified Survey Map as a condition of approval (in advance of building permit). The subject area is zoned C-2, Neighborhood Commercial and the proposed use (dwelling with 5 units) is considered a special/conditional use in the commercial zoning district.

4. The subject property is located south of National Ave., north of the Union Pacific Railroad and west of S. 80 St. Property to the north is zoned commercial. Property to the north is developed with a mixture of residential and commercial uses. Properties to the east are zoned commercial and developed as high-density residence. Properties to the south are developed as light industrial. Properties to the west are zoned commercial.

5. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.

**NOW THEREFORE**, BE IT RESOLVED by the Common Council of the City of West Allis that the application submitted by TOD, LLC for a proposed multi-unit development, to be located at 8001 W. Greenfield Ave and 80\*\* W. Greenfield Ave be, and is hereby granted on the following grounds:

That the establishment, maintenance, and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 12.16 and 19.14 of the Revised Municipal Code, so as to permit the issuance of a Special Use Permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1 Site, Landscaping, Screening and Architectural Plans. The grant of this Special Use Permit is subject to and conditioned upon:

a. Site, Landscaping, Screening and Architectural Plans approved by the West Allis Plan Commission on April 27, 2022. No alterations or modification to the approved plans shall be permitted without approval by the West Allis Plan Commission.

b. A CSM (Certified survey map), to consolidate properties into one lot, being approved by the Plan Commission and Common Council.

2. Building Plans, Fire Codes and Licenses. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services and by the Fire Department. Any applicable licenses shall be applied for and approved. Seating capacity shall be in accordance with limits of occupancy load calculations as approved by Building Inspection and Fire Departments.

3. Off-Street Parking. The use project will provide off-street parking for 47 spaces (consisting of 37 underground and 10 surface spaces).

In granting this special use, the Common Council shall have the authority to modify parking requirements in accordance with the conditional use. Street parking and additional off-street shared parking options are available within the neighborhood. The property is also part of an area that is serviced by public transportation.

4. Hours of Operation. The grant of this Special Use Permit will allow the general hours of operation for the commercial spaces to be open from 7 am - 10 pm seven (7) days a week. For the purpose of this special use, business operations that require a liquor license will be subject to the limitations established by the licensing and health committee and State law as it pertains to licensing or applicable permits.

5. Signage. Signage shall be permitted in compliance with the West Allis signage ordinance

6. Deliveries and Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a four-sided enclosure or as approved by the Department of Development to match the building. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code.

7. Outdoor Lighting. All exterior lighting fixtures and/or lighting visible from public right-of-way shall be indirect and shielded in such a manner that no light splays from the property boundaries. Lighting is subject to a photometric lighting plan being approved by the Plan Commission.

8. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a \$250.00 extension fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

9. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 12.16 of the Revised Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 and 19.14 of the Revised Municipal Code.

10. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as

conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

11. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

12. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

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Transit Orientated Development, LLC

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City Clerk

**SECTION 1:**        **ADOPTION** "R-2022-0353" of the City Of West Allis  
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2022-0353(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL JUNE 07, 2022.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Ald. Angelito Tenorio	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Ald. Vince Vitale	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Ald. Tracy Stefanski	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Ald. Marty Weigel	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Ald. Suzzette Grisham	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Ald. Danna Kuehn	<u>      </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
Ald. Thomas Lajsic	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Ald. Dan Roadt	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Ald. Rosalie Reinke	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Ald. Kevin Haass	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Attest

Presiding Officer

  
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Rebecca Grill, City Clerk, City Of  
West Allis

  
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Dan Devine, Mayor City Of West Allis

